



REPORTING OF THE RECORD TASK FORCE

Meeting Minutes

March 5 – 7, 2003

Administrative Office of the Courts

455 Golden Gate Avenue, San Francisco, CA 94102

TASK FORCE MEMBERS PRESENT:

Hon. James A. Ardaiz, Chair, Administrative Presiding Justice of the Court of Appeal, Fifth Appellate District
Hon. S. William Abel, Presiding Judge, Superior Court of Colusa County
Ms. Maura Baldocchi, CSR, Official Court Reporter, Superior Court of San Francisco County
Mr. Ron D. Barrow, Clerk of the Court, Court of Appeal, First Appellate District
Mr. Gary M. Cramer, CSR, Official Court Reporter, Superior Court of Los Angeles County
Mr. Edward J. Horowitz, Esq., Law Offices of Edward J. Horowitz
Ms. Barbara J. Lane, CSR, Supervisor, Court Reporters, Superior Court of Riverside County
Mr. Len LeTellier, Executive Officer, Superior Court of Sutter County
Mr. Gary Evan McCurdy, Esq., Assistant Director, Central California Appellate Program
Ms. Jeanne Millsaps, Executive Officer, Superior Court of San Joaquin County
Mr. Gordon Park-Li, Executive Officer, Superior Court of San Francisco County
Ms. Kary Parker, CSR, Official Court Reporter, Superior Court of Orange County
Mr. Tom Pringle, CSR, Official Court Reporter, Superior Court of Shasta County
Mr. Paul J. Runyon, Administrator, Litigation Support, Superior Court of Los Angeles County
Mr. Alan Slater, Chief Executive Officer, Superior Court of Orange County
Ms. Fiel Tigno, Esq., Supervising Deputy Attorney General, Office of the Attorney General, Department of Justice

TASK FORCE MEMBERS ABSENT:

Hon. John S. Einhorn, Assistant Presiding Judge, Superior Court of San Diego County

TASK FORCE LIAISON:

Ms. Julie R. Peak, CSR, Chair, Court Reporters Board of California **(Present)**

PRESENTER:

Ms. Rebecca Askew, Associate General Counsel and Product Manager, RealLegal

GUESTS:

None

FACILITATOR:

Ms. Sharon Maher, Maher & Company **(Present)**

AOC STAFF PRESENT:

Ms. Pat Sweeten, Director, Executive Office Programs Division
Ms. Christine E. Patton, Regional Director, Bay Area/Northern Coastal Region
Ms. Sally Lee, Manager, Executive Office Programs Division
Ms. Claudia Ortega, Lead Staff, Court Services Analyst, Executive Office Programs Division
Ms. Emily Flynn, Attorney, Office of the General Counsel
Mr. Martin Riley, Governmental Affairs Analyst, Office of Governmental Affairs
Ms. Deborah Silva, Administrative Coordinator, Executive Office Programs Division
Ms. Josely Yangco-Fronda, Administrative Coordinator, Executive Office Programs Division

AOC STAFF ABSENT:

None

Meeting Minutes

Wednesday, March 5, 2003

Item 1 Opening Remarks

Administrative Presiding Justice James A. Ardaiz, Chair of the Reporting of the Record Task Force, called the meeting to order at 1:25 p.m.

Item 2 Public Comment

Members of the public did not address the task force on this day.

Item 3 Report on the Meeting with Court Reporter Leadership and Union Representatives to Discuss the Governor's Proposals for Court Ownership of the Transcript and the Expanded Use of Electronic Recording

Justice Ardaiz informed the task force that he and certain Administrative Office of the Courts (AOC) staff met with court reporter union and association leadership on January 31, 2003 to discuss the Governor's budget proposals for court ownership of the transcript and the expanded use of electronic recording (ER). The task force members in attendance were: Justice Ardaiz; Presiding Judge S. William Abel; Ms. Maura Baldocchi; Mr. Gary M. Cramer; Ms. Jeanne Millsaps; and Ms. Julie R. Peak. The task force staff in attendance were: Ms. Pat Sweeten; Ms. Christine E. Patton; Ms. Sally Lee; Ms. Emily Flynn; Mr. Martin Riley; and Ms. Claudia Ortega. Mr. Ray LeBov, Director of the AOC Office of Governmental Affairs, also participated. Justice Ardaiz reported that the court reporting leadership questioned the accuracy of the AOC's fiscal estimates as conveyed to the Legislative Analyst's Office. Justice Ardaiz also reported that the court reporting leadership found the proposals to be unacceptable.

Justice Ardaiz then referred the task force to the San Francisco Daily Journal newspaper articles (dated February 24 and 25, 2003) that discuss the Governor's proposals. He also shared copies of the letters he wrote to the Service Employees International Union (SEIU) after the January 31st meeting. These letters communicate his request to resume discussions of the Governor's proposals in light of the \$36.5 million aggregate reduction in the court reporting budget. At that time, Justice Ardaiz had not yet received a response from SEIU as to whether they would resume discussions.

Justice Ardaiz also informed the task force that the California Court Reporters Association (CCRA) published a statement asserting that the state's trial courts have not collected an estimated \$40 million in court reporting service fees pursuant to Government Code section 68086. Justice Ardaiz stated that it appears that the courts are not collecting all of the monies that are available for collection, however, the AOC does not agree with the CCRA estimate of undercollection. He reported that in response to the CCRA statement, the AOC implemented a survey with follow-up questions directed to the trial courts. He indicated that the AOC would forward the survey results with an analysis to court reporter leadership, SEIU, presiding judges, executive officers, and the task force.

Mr. Gary M. Cramer stated that at the January 31st meeting labor viewed the parameters of the discussion as unacceptable because they appeared to focus on monetary reductions. He also stated that the entirety of the issue and not just what court reporters could give back must be discussed.

Regarding court reporter service fees, Mr. Cramer also expressed his perception that Government Code section 68086 and rule 892(e) of the California Rules of Court are inconsistent. (Rule 892(e) states in part that “a half-day fee shall be charged for any matter which lasts more than one hour”, while Government Code section 68086(a)(3) defines one-half day as “any period of judicial time during either the morning or afternoon court session.”)

Justice Ardaiz responded that it is expected that the courts comply with the California Rules of Court. Therefore, the issue is whether the courts are collecting this fee in accordance with the rules. He also indicated that, in his view, the statute and rule are not in conflict.

Mr. Paul J. Runyon asked how the figure of \$36.5 million as savings associated with the expanded use of ER and court ownership of the transcript was derived. Justice Ardaiz stated that in response to confidential inquiries by the Governor’s Office, the AOC provided its estimate of the cost savings that could be achieved by creating greater flexibility to use ER and allowing the courts to own the transcript.

Mr. Cramer then asked for clarification as to whether the \$36.5 million reduction was the issue, and if the resolution to that issue is revenue and not simply court reporters. Justice Ardaiz responded that simply stated, this is a budget issue. He clarified that if the current state budget scenario was not so bleak, the task force would have addressed the issues of alternative methods of making the record and transcript ownership over the course of its term. He emphasized the urgency for interested groups to find common ground to effectively address budget reductions that are certain to occur.

Ms. Maura Baldocchi expressed her disappointment with the Governor’s proposals and the rationale behind them. She expressed her hope that the task force would continue to develop policy recommendations in a thorough manner.

Item 4 Task Force Status Review

Justice Ardaiz referred the task force to a chart outlining the issues still requiring the task force’s attention. He stressed that it is critically important for the task force to move forward with its assessment of the other issues on its charge and that the budget discussions with court reporter leadership be continued.

Item 5 Recap of Previous Meeting’s Accomplishments

Ms. Sharon Maher, task force facilitator, briefly outlined the group’s accomplishments and the items the task force would address over the next few days.

Item 6 Storage and Delivery of the Verbatim Transcript and Reporters' Notes, Both in Paper and Electronic Formats

In small groups and as a whole, the task force began to discuss the delivery, maintenance, and storage of the verbatim transcript and reporters' notes. As a result of its discussions, the task force developed a working list of issues associated with this subject matter.

Item 7 Training of Court Reporters and Judges

Ms. Jeanne Millsaps reported that due to the extensive workload of the AOC Education Division staff, no new developments have occurred regarding the project to develop a curriculum to educate court reporters and judges on court reporting matters. She stated that this curriculum's development remains an objective of the Education Division and that its staff will contact the task force's working group again for further input.

Item 8 Hotel Shuttle Information

Ms. Claudia Ortega announced the shuttle schedule.

Item 9 Other Business/Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 5:30 p.m.

**Meeting Minutes
Thursday, March 6, 2003**

Item 1 Recap of the Previous Day's Discussion

Justice Ardaiz called the meeting to order at 8:45 a.m. and briefly summarized the previous day's discussion.

Item 2 Public Comment

Ms. Janie Brice, President of Lebeck's Business Equipment Corp., addressed the task force regarding the latest developments in electronic recording.

Item 3 Draft Minutes

Justice Ardaiz asked the task force to review the draft minutes of the January 2003 task force meeting so that it could vote on the document's approval later in the day.

Item 4 Report Regarding the Task Force Web Site

Justice Ardaiz directed the task force's attention to a fax (dated March 4, 2003) from Mr. Michael C. Manchester, a member of the public, to the task force. In his fax, Mr. Manchester

requested that the task force review correspondence related to his various complaints against certified shorthand reporters lodged with the Court Reporters Board of California. Because the task force concluded that Mr. Manchester's request for action did not fall within the task force's charge, it decided to take no action on the correspondence.

Ms. Julie R. Peak, chair of the board, expressed concern that the dissemination of Mr. Manchester's letter to the task force might jeopardize the confidentiality of the reporters against whom Mr. Manchester lodged complaints because the letter lists these individuals' names. Ms. Peak also expressed concern that prior to the task force meeting she was not notified of the intent to disseminate the correspondence. Justice Ardaiz reiterated the task force's policy on Web site correspondence, which is that such correspondence is forwarded to the task force membership without censorship. To prevent potential breaches in confidentiality, Justice Ardaiz agreed to inform Ms. Peak of any correspondence regarding the board's conduct or functions prior to the meetings. He also stated that such correspondence would only be edited to prevent breaches in confidentiality.

Ms. Ortega informed the task force that in response to various requests by members of the public who wish to follow the task force's progress, she has created an e-mail distribution list of these individuals. She will e-mail these individuals to convey the posting of meeting agendas to the Web site and major developments. Ms. Maura Baldocchi asked for a copy of this list and Ms. Ortega agreed to provide it to the task force after the meeting.

Item 5 "The Creation, Storage, and Distribution of Electronic Transcripts in the Courts" – Presentation by RealLegal

Ms. Rebecca Askew, Associate General Counsel and Product Manager with RealLegal, presented her company's technology and services to the task force. Specifically, she informed the task force of Exemplaris, E-Transcript, and RealLegal Binder.

Item 6 Presentation by the First Appellate District of the Court of Appeal on Its Pilot Project to Store Electronic Transcripts

Mr. Ron D. Barrow (Clerk of the Court, Court of Appeal, First Appellate District and task force member) and Mr. Ron Poellath (Court of Appeal, First Appellate District) outlined the court's project to store electronic transcripts for approximately 1,500 cases using RealLegal's products. The presenters stated that certain bay area counties were given guidelines, and asked to provide an ASCII diskette containing the transcript and one hard copy of the record. The court staff encountered various issues and obstacles in downloading the electronic files, including: electronic files which were not identical to the paper transcript copy; inability to convert some files; inaccurate and incomplete conversions; RealLegal Binder program crashes; reporter software which did not convert to ASCII; disks contaminated with viruses; and low levels of interest for electronic transcripts among justices and attorneys. In evaluating this project, the presenters concluded that a mandatory transcript format would have to be followed and similar court reporting software would have to be used to facilitate the accurate electronic storage of transcripts. The project began in 1998 and ended in 2002.

**Item 7 Storage and Delivery of the Verbatim Transcript and Reporters' Notes,
Both in Paper and Electronic Formats (Continued)**

The task force resumed its discussion of this subject matter.

Item 8 Draft Minutes

Ms. Baldocchi proposed that the draft January 2003 meeting minutes be amended so that page 3, Item 3 ("Report on the Meeting with Some Task Force Members to Discuss the Chief Justice's Remarks Concerning Transcript Ownership and Electronic Recording"), last paragraph would read: "Ms. Maura Baldocchi expressed her disappointment with the Chief Justice's comments and Justice Ardaiz responded."

Ms. Baldocchi also requested that the same minutes be amended so that page 6, Item 3 ("Presentations by Vendors of Stenographic Court Reporting Hardware and Software – Debrief"), 2nd paragraph, 2nd sentence be added: "Ms. Baldocchi suggested that Courtroom Connect [a company specializing in wireless internet access] also present."

Mr. Cramer requested that the same minutes be amended so that page 3, Item 5 ("Differentiation of the Transcript Format"), 3rd paragraph, 1st sentence would read: "The task force then~~than~~ began the discussion of transcript uniformity by addressing pagination and volume."

Motion by Justice Ardaiz: That the draft minutes of the January 2003 meeting be approved with the amendments proposed by Ms. Baldocchi and Mr. Cramer.

- Passed by consensus of the task force - no opposing votes.

Item 9 Hotel Shuttle Information

Ms. Ortega announced the shuttle schedule.

Item 10 Adjournment

With no further business, Justice Ardaiz adjourned the meeting at 5:11 p.m.

**Meeting Minutes
Friday, March 7, 2003**

Item 1 Recap of the Previous Day's Discussion

Justice Ardaiz called the meeting to order at 8:50 a.m.

Item 2 Public Comment

Members of the public did not address the task force on this day.

Item 3 Airport Shuttle Information

Ms. Ortega explained the sign-up procedures for transportation to the airports.

Item 4 Differentiation of the Transcript Format

Justice Ardaiz requested that the task force continue discussing delivery, maintenance, and storage of the transcript, rather than beginning a new discussion on this agenda item. Therefore, this agenda item was not discussed at this meeting.

**Item 5 Storage and Delivery of the Verbatim Transcript and Reporters' Notes,
Both in Paper and Electronic Formats (Continued)**

The task force resumed its discussion of this subject matter.

Item 6 Transcript Format, Delivery, and Storage

Ms. Maher wrapped up the discussions of these items.

**Item 7 Summarization of Task Force Accomplishments to Date and Future Course of
Action**

Justice Ardaiz thanked the task force for its accomplishments and progress.

Item 8 Adjournment

Justice Ardaiz adjourned the meeting at 12:00 p.m.